

REMARKS

Claim 17 is amended to clarify that it depends on method claim 14. This amendment overcomes the objections to claim 18 (lack of antecedent basis) and the objection to the dependency recitation in claim 17. It also overcomes the objection that claims 17 and 18 respectively duplicate claims 22 and 23. The Examiner's attention to these matters is appreciated.

Claims 14 and 19 now specify that the isolated polypeptide lacks components of cells in which the virus occurs. This amendment is supported by the disclosure at page 2, line 33 (paragraph 7 of U.S. 2002-0095027),

[T]he polypeptide is separated from other cell components with which it naturally occurs, for example, FIV polypeptides.

The sole remaining rejection is a rejection under 35 U.S.C. §102 based on Pedersen et al. U.S. 5,565,319. Independent claims 14 and 19 specify an isolated polypeptide and a method of detecting antibody using an isolated polypeptide. The Examiner characterizes Pedersen's disclosure as follows at page 5, lines 10-14 of the office action,

Pedersen ... teaches in column 4, lines 13-24, a composition comprising whole virus (a "mixture comprising the polypeptide") as well as portions of the virus. The envelope protein is one of the viral proteins specifically mentioned as being of particular interest.

In short, the Examiner concludes that the compositions described in Pedersen as "includ[ing] the whole virus as well as portions of the virus" would necessarily include an envelope polypeptide of claim 19 and therefore would be used to detect sample antibodies according to claim 14.

As now amended, claims 14 and 19 require that the polypeptide lack components of cells in which the virus occurs. Pedersen's Fig. 4 is a Western blot of FTLV¹-infected cell lysate with serum samples. Lane 1 is the only lane showing serum from an FTLV-infected cat. Lanes 2-4

¹ Applicants agree that the virus described in Pedersen is FIV. Pedersen uses the older term "feline T-lymphotropic lentivirus (FTLV)" for what is now generally termed Feline Immunodeficiency Virus (FIV). See col. 1, line 19.

Applicant : Philip R. Andersen, et al.
Serial No. : 09/963,759
Filed : September 25, 2001
Page : 6 of 6

Attorney's Docket No.: 00088-008004 / 0092-
CIPCON/U276/670100

are negative controls. The infected cell lysate of Fig. 4 would include components of cells in which the virus occurs.

The rejection under §102 must be withdrawn.

The objection to the specification raised at page 3, lines 1-6 of the office action are overcome by this amendment which adds series numbers to the serial numbers of the priority applications and adds a reference to Ser. No. 07/446,008 which is listed in the priority applications claimed in the Declaration and Power of Attorney. A corrected filing receipt is requested to reflect this priority claim.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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